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February 9, 2012

**BY ECF & OVERNIGHT DELIVERY**

Hon. John Gleeson  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: United States v. Dominic Caramanica  
11 Cr 26 (JG)

Dear Judge Gleeson:

This letter is submitted on behalf of Dominic Caramanica in anticipation of his sentencing before Your Honor at 2:00 p.m. on February 17, 2012. By this letter, I am respectfully asking Your Honor to consider an alternative to incarceration in Mr. Caramanica's case.

After extensive negotiations with the government, Mr. Caramanica pled guilty to Count Five of the Indictment, which charged he and others with extortion, related to John Doe #2, a Class C felony, where probation is authorized by statute. Mr. Caramanica was not charged in any other count of the indictment with the co-defendants, including the racketeering conspiracy count.

The parties calculation of the Guidelines range in Mr. Caramanica's case is set forth in the Plea Agreement and is as follows: a base offense level of 18; a 4-level reduction for being a minimal participant in the offense; a 2-level reduction for acceptance of responsibility; and a 1-level reduction for participating in a global disposition - resulting in a Total Offense Level of 11. See Plea Agreement at paragraph 2. Because Mr. Caramanica is in Criminal History Category I, this would place him within the 8-14 month imprisonment range and Zone B of the Sentencing Table. The government will argue that this is the appropriate Guidelines range at Mr. Caramanica's sentencing.<sup>1</sup> A sentence of probation is also authorized by the Guidelines because the applicable range is within Zone B. See Guideline 5B1.1(a)(2).

I know that Your Honor is well aware that the Guidelines are now advisory and but one factor for the Court to consider in formulating an appropriate sentence under Title 18 USC 3553(a). I also know that Your Honor is familiar with Gall v. United States, 128 S.Ct. 595, 602 (2007), where the U.S. Supreme Court emphasized that 3553(a) specifically "directs judges to consider sentences other than imprisonment." And, that a probationary sentence can be structured to amount to a "substantial restriction of freedom" and meet all of the purposes of sentencing.

In Gall, the Supreme Court upheld as "reasonable" under 3553(a), a sentence of probation imposed upon defendant Brian Michael Gall, where he pled guilty to participating in an enterprise that distributed ecstasy throughout the community, and the applicable advisory Guideline imprisonment range in his case was 30-37 months. As set forth below, I respectfully submit that a sentence of probation would also constitute a "reasonable" sentence under 3553(a) in Dominic Caramanica's particular case.

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<sup>1</sup> As set forth in the parties Plea Agreement, the government will take "no position" at sentencing with respect to where within this range Mr. Caramanica's sentence should fall. See Plea Agreement at paragraph 5.b.

With respect to the charged offense, Mr. Caramanica was a minimal participant. As accurately now set forth in the Addendum to the Presentence Investigation Report, Mr. Caramanica only met with John Doe #2 one time, and in the presence of others. And, he never uttered a single word to John Doe #2 about the repayment of the legitimate debt that John Doe #2 owed to John Doe #1 during that meeting.<sup>2</sup> Moreover, no explicit threats were ever allegedly made by anyone to John Doe #2, nor is John Doe #2 alleged to have suffered any physical harm. Finally, John Doe #2 is not alleged to have incurred a loss. Mr. Caramanica was also not, in any event, supposed to profit financially from his involvement.<sup>3</sup>

With respect to his personal history and characteristics, Mr. Caramanica has never been arrested before, and he is not alleged by the government to have ever committed another crime. He is a former NYPD police officer who was decorated with the Combat Cross - the highest award given to a police officer for bravery and valor in the line of duty. See Presentence Investigation Report, at paragraph 53. I have attached hereto for Your Honor's review, a photograph of the Combat Cross presented to Mr. Caramanica by the City of New York, along with a Medal of Valor. As set forth below, Mr. Caramanica was decorated with

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<sup>2</sup> At the time that John Doe #1 asked Glen Mazzella for assistance in the collection of the lawful debt owed by John Doe #2, John Doe #1 was working for the government as an informant and tape recording others.

<sup>3</sup> Mr. Caramanica was originally asked by his cousin and co-defendant, Glenn Mazzella, to get involved because Mazzella was unfamiliar with the area where John Doe # 2's New Jersey based business was located. Mr. Caramanica, who resides in the State of New Jersey, was familiar with the area because he lives nearby.

these awards:

*\* In recognition of an act of extraordinary heroism  
while engaged in  
personal combat with an armed adversary*

*\*Under circumstances  
of imminent personal hazard to life*

*\*Performed in the line of duty  
in defense of the lives and property of the  
citizens of the City of New York*

See photo of Combat Cross dated September 14, 1999, attached hereto.

Mr. Caramanica was shot in the pelvis during the attempted arrest of a drug dealer in the Bronx and wound up spending two months in the hospital recuperating from his injuries. He underwent a 10-hour surgical procedure during which he had a bowel re-section, lost portions of his large and small intestines, and had an artery as well as his liver and abdomen repaired. While the surgery saved his life, several bullet fragments could not be removed due to their close proximity to his spine and remain there to this day. He still suffers from severe, and at times, incapacitating lower back pain. In attempt to cope with this condition and function, he takes prescription anti-inflammatory and muscle relaxing medications daily, and also uses special exercise equipment to assist in his blood circulation, which, in turn, helps his mobility.<sup>4</sup>

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<sup>4</sup> All of this information was confirmed by the Probation Department in the Presentence Investigation Report, at paragraph 44.

Mr. Caramanica pled guilty and accepted responsibility for his conduct here prior to trial, sparing the government's and Court's substantial resources. But, Mr. Caramanica should have, admittedly, known better then to ever get involved here at all. Especially, by virtue of his prior history as a member of the NYPD. He is deeply regretful for the shame he has brought upon himself and his loved ones and will not be a recidivist.

As set forth in the attached letters, Mr. Caramanica possesses other redeeming qualities. He is a loving and caring son, brother and friend. As his father, Anthony Caramanica, also a retired NYPD Officer, explained in an excerpt from his letter to Your Honor:

He [Dominic] lives a tranquil life in New Jersey and besides caring for his own health he cared for his mother for the last ten years and continues to look out for his younger sister. I ask you to please consider my family's long history of service to the City of New York and most importantly my sons selfless record of service when he stands in front of you.

See letter of Anthony Caramanica attached hereto.

As a close personal friend, Stephen Mandaro, also wrote in his letter to Your Honor:

Please be assured that Dominic is remorseful regarding this situation. He has confided with me that he is truly sorry and embarrassed for his involvement in this situation. I know Dominic to be a sincere person with good moral character and this situation was aberrational.

Judge Gleeson I would respectfully ask you to show mercy and leniency with regard to Dominic's sentencing as I believe it would not be something that would be wasted.

See letter of Stephen Mandaro attached hereto.

For all the foregoing reasons, I am respectfully asking Your Honor to sentence Dominic Caramanica to an alternative to incarceration here.

Respectfully submitted,

/JRF/

James R. Froccaro, Jr.

JRF:tp  
Encls.



# Police Department



## City of New York

Police Officer

*L. Dominic Caramanica*

is hereby presented the

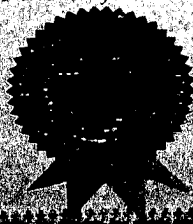
### COMBAT CROSS

★ In recognition of an act of extraordinary  
heroism while engaged in  
personal combat with an armed adversary

★ Under circumstances  
of imminent personal hazard to life

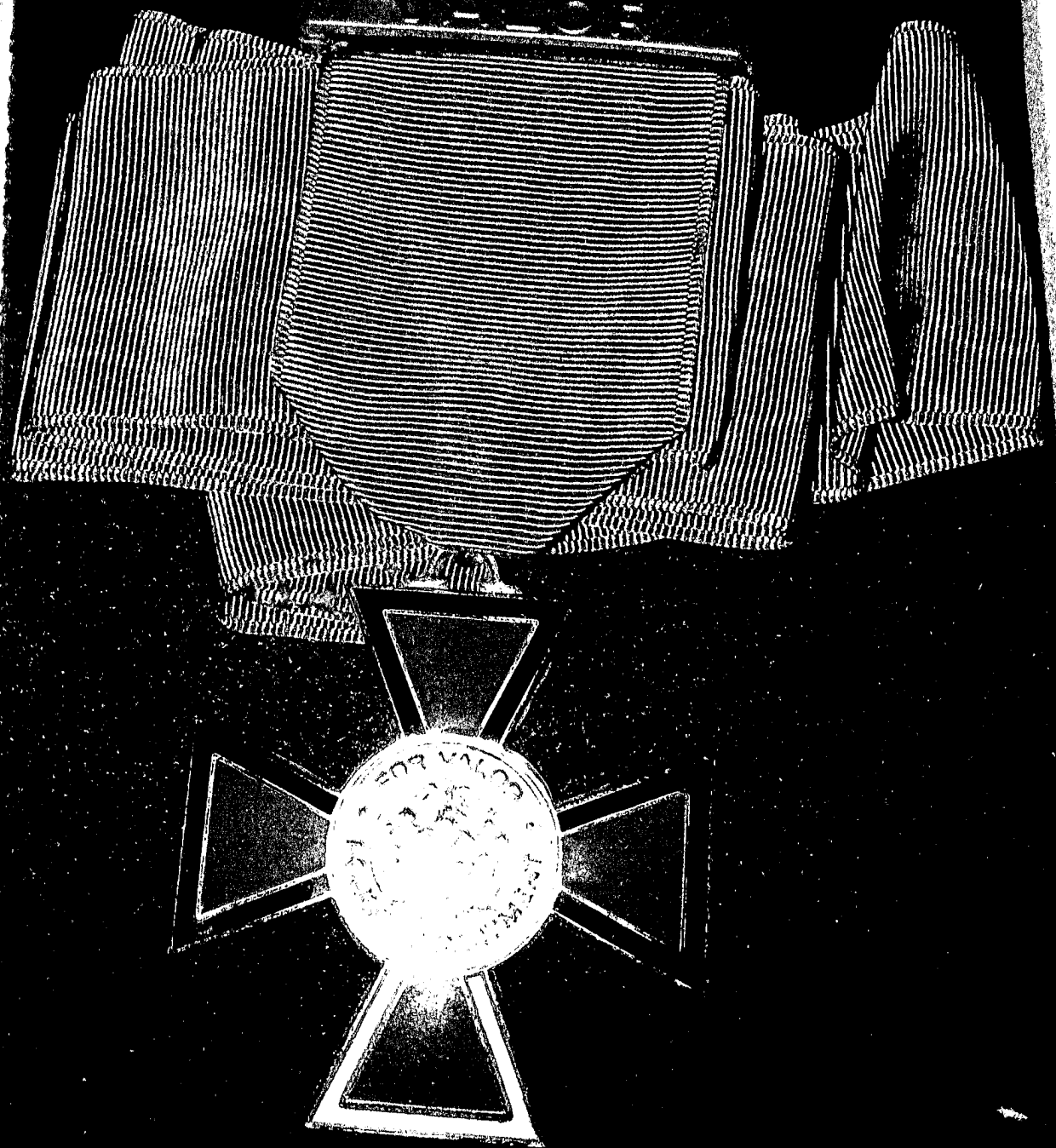
★ Performed in the line of duty  
in defense of the lives and property of the  
citizens of the City of New York

September 14, 1999



*Howard Smith*  
Howard Smith  
Police Commissioner







4 July 2011

The Most Honorable Judge John Gleeson  
United State District Judge  
Eastern District of New York  
United State Court House  
225 Cadman Plaza East  
Brooklyn, New York 11201

Most Honorable Judge Gleeson

I want to thank you in advance for taking time of your busy schedule to read this letter. My name is Anthony Caramanica and I am writing to you regarding my son Dominic Caramanica who is scheduled to stand in front of you for trial on October 4, 2011.

Please allow me to start by telling you briefly about myself, my family and the reason for my letter. I am a retired New York City police officer and also recently retired from the Rockland County Sheriff Department. At the age of 68, my health is now beginning to fail me with heart disease and other physical illness. In addition to my failing health, I was also recently burden with the loss of my wife.

The Caramanica family has a long history of service to the City of New York with seven retired members. My son Dominic also retired from the New York City Police Department after being shot in the line of duty. Dominic was shot in the Bronx while trying to protect the citizens of New York and some of those bullets still remain with him today. After a very long period of grief and medical care, my son was declared disabled and continues to suffer with back pains due to the bullet fragments that remained in his spine. He received a medal of valor from the NYPD.

Prior to this incident with his cousin, Dominic never experienced problems with the law and he is a law abiding citizen. He lives a tranquil life in New Jersey and besides caring for his own health he cared for his mother for the last ten years and continues to look out for his younger sister. I asked you to please consider my family's long history of service to the City of New York and most importantly my son's selfless record of service when he stands in front of you.

Once again I thank you for your time since as a father I found it necessary to speak in my son's behalf.

Very truly yours,

  
Anthony Caramanica

January 18, 2012

The Most Honorable Judge John Gleeson  
United State District Judge  
Eastern District of New York  
United State Court House  
225 Cadman Plaza East  
Brooklyn, New York 11201

Most Honorable Judge Gleeson

My name is Diane Caramanica and I am a Buyer for Career Tops at Dress Barn. I hold a long history as a Buyer, having worked for Capelli New York, Pow Wow/Population and Loehmann. I am a graduate of Rockland Community College and I reside in New York. I am writing this letter on behalf of my brother Dominic Caramanica who will stand before you on February 17 awaiting sentencing for violating a federal law named the Hobbs Act.

Dominic is a stern man who is very compassionate and ethical. He is a decorated retired New York City Police Officer, who was badly injured in the line of duty in his early 20s. I was a young girl at the time and could not understand what that dreadful night in the Bronx did to him. But I can understand what this ordeal has caused him. The morning the FBI showed up at my house with a warrant for Dominic, my heart stopped. I was shocked since he does not live with me and was confused as to what happened.

My brother is and always has been a family oriented man. He helped me through college emotionally and financially and encouraged me to further my career. Recently we lost our mother to a long and painful lung disease. Dominic was always there for my mother and I, even when the pending trial was burdening him physically and mentally. He is also a caring person who befriends respectful people ranging from attorney to church volunteers. Overall, my brother is a decent human being who is there for family and friends to a fault.

My brother has always been a responsible citizen and lives a very conservative life. Your honor, I asked you to please consider his impeccable life as a son, brother and upstanding citizen who sacrifice and risk his life for the people of New York City and show him leniency granting him the lowest possible penalty.

Sincerely yours,

  
Diane Caramanica

12 December 2011

The Most Honorable Judge John Gleeson  
United State District Judge  
Eastern District of New York  
United State Court House  
225 Cadman Plaza East  
Brooklyn, New York 11201

Most Honorable Judge Gleeson

My name is Maribel Roman and I direct the Office of International Affairs (OIA) at Teachers College, Columbia University. OIA leads the College in building sustainable and mutually beneficial partnerships that promote quality scholarship and practice. I am responsible for coordinating, developing, and expanding the scope of TC's international initiatives. Prior to joining Teachers College, I co-founded and co-directed the Center for Global Education in the College of Education and Human Services at Seton Hall University and served as the Assistant Director for the Office of Grants and Research Services. In addition I taught courses in Political Sciences and International Politics. I hold a master in International Relations and Diplomacy from the Whitehead School of Diplomacy at Seton Hall University and am a Ph.D. candidate in Higher Education Leadership Policy with near completion of my dissertation.

I am writing regarding my boyfriend Dominic Caramanica, who is scheduled to stand in front of you for sentencing on January 2012. I have known Dominic for almost three years and am fully aware of the accusations he is facing which are out of character of the Dominic I have come to know and respect. The Dominic I know demonstrates exemplary family values. He cared for his mother always putting his health second, even when suffering from severe back pains. Today he continues to care for his younger sister. Dominic is also a devoted boyfriend who is always there for me and encourages and supports my academic and professional endeavors.

Dominic's values, integrity and good will are the core of all his decisions. Before this incident with his cousin, Dominic never experienced problems with the law. On the contrary, his record as a NYPD who risked his life for the community speaks for his character.

Your honor, I humbly request that Dominic's public service record and dedication to his family is taken into consideration at the time of sentencing hence granting him leniency.

Sincerely yours,

Maribel Roman

United States District Court  
Cadman Plaza East  
Brooklyn, NY  
Honorable John Gleeson

12/8/2011

RE: Dominic Caramanica

Dear Judge Gleeson,

I am writing this letter to you regarding my good friend Dominic Caramanica who stands before you awaiting sentencing.

I am Stephen Mandaro, proud father of 4 daughters, 2 granddaughters and husband to Fortune Marie for the past 29 years. I am the owner of Brother's Carpet & Flooring since its inception in 1982 in Hackensack, NJ. I sit on the board of directors of the Hackensack Business Alliance as Treasurer. I also sit on the board of elders of the Hawthorne Gospel Church in Hawthorne, NJ which I have been a member of for the past 25 years. I and my wife are year round volunteers with Samaritan's Purse a National Christian Relief Organization. We are also missionaries with Hawthorne Gospel Church. Over the last 2 years we have been privileged to be part of 3 missionary teams and travelled to the remote village of Olpiro in Tanzania, Africa. On these 3 separate trips we visited and helped the Datooga people who live in that village which is situated within the Ngorongoro Preserve. Some of the assistance we brought to the men, women and children of this impoverished village was 950 mosquito nets to help fight malaria, funding for a water system, schooling and the means to erect a brick building in a village where only grass and mud huts exist. That large building now sits centrally in the village and lends itself as a church and meeting hall. The people of the village helped with the construction and they have a great sense of accomplishment. As I said earlier we were privileged to be part of this and came away extremely blessed by all that we saw and did.

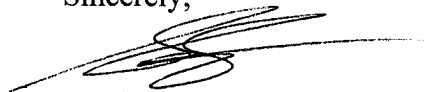
Well enough about me. I am reaching out to you concerning my friend Dominic who I met in 1997 when he lived in Paramus NJ. Since that time we have grown to become close friends. We see each other often. He is always welcome at my home and has also become friends with my wife and older daughters. We care about him and sense he has the same feelings toward us.

I am very aware of the current situation that Dominic is involved in. We have spoken in depth about it and I have accompanied him each time that he appeared in your court. No patronizing is intended here but I was heartened by your dealings in the numerous situations and testimonies that I heard while in your courtroom. I had the sense that what was important to you was getting to the heart of the matter. Please be assured that Dominic is remorseful regarding this situation.

He has confided with me that he is truly sorry and embarrassed for his involvement in this situation. I know Dominic to be a sincere person with good moral character and this situation was aberrational. I know him to be a loving son and brother to his mom, father and sister. I have been involved in his life and have witnessed his desire and actions in being a responsible and caring person.

Judge Gleeson I would respectfully ask you to show mercy and leniency with regards to Dominic's sentencing as I believe it would not be something that would be wasted. Thank you for your consideration in this matter. If there are any questions or concerns please feel free to contact me. I can be reached at the numbers or address below.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen Mandaro', with a long horizontal flourish extending to the right.

Stephen Mandaro  
47 Beverly Road  
Hawthorne NJ 07506  
201-832-0224



January 19,2012

The Most Honorable Judge John Gleeson  
United States District Judge  
Eastern District of New York  
United States Court House  
225 Cadman Plaza East  
Brooklyn, New York 11201

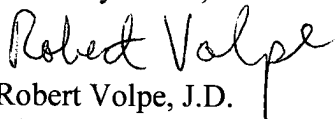
Most Honorable Judge Gleeson:

My name is Robert Volpe and I am a Vice President at Nausch Hogan & Murray, Inc., an international insurance and reinsurance brokerage firm and an accredited Lloyd's of London broker. I am a Year 2000 graduate of Brooklyn Law School, from which I attained a juris doctorate degree at night while working full time in the day. I have known Dominic Caramanica for over 20 years.

A true sign of Dominic's values, integrity, and character is the fact that he is very remorseful that he even put himself in this position. Further evidence of Dominic's moral fiber can be found when looking into his past experience as a decorated New York City Police Department officer. In 1987 he was shot in the line of duty while engaged in a struggle with a convicted drug dealer. Dominic was attempting to keep the Bronx community, which he admirably served, safe from cocaine, crack, and marijuana dealers. He risked his life and had to retire from the NYPD due to disability as a result of sustaining gunshot wounds to the hip that traveled to his spine where the bullets remain lodged to this day. His public service record speaks for itself and he is to be commended for risking his life to protect our communities from the infestation of drugs. Dominic walked the walk.

When looking at the totality of these circumstances i.e. his prior law abiding life, praiseworthy public service record, and experience as a uniformed NYPD officer who risked his life and sacrificed his career for the community he served, I humbly request that the Court have mercy on Dominic at the time of sentencing thus granting him the most lenient sentence available under the applicable guidelines.

Sincerely Yours,

A handwritten signature in black ink that reads "Robert Volpe". The signature is written in a cursive, flowing style.

Robert Volpe, J.D.  
Vice President  
Nausch Hogan & Murray, Inc.

October 18, 2011

To Judge Gleeson,

Like Dominic Caramarica I am

A retired police officer. My name is Myles

Lambert I served from June 69 - Oct 93

retiring as a Captain out of the 62 PCT.

I've known Dominic socially

since the early nineties. He presents himself

very formally. He is articulate, intelligent

and polite to a fault. He is also positive and

ambitious. I've always thought of him as a

really nice person.

Dominic served in the NYPD

from January 86 through April 89. He retired

in good standing and earned a  
pension. He was also awarded The Combat  
Cross for exceptional bravery.

Granted he made a mistake, but  
now he wants to turn his life around. Hopefully  
his prior police service will impact on any  
sentence you may impose.

Thank you for your indulgence

Respectfully Yours

Myler Lambert